

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re: _____

Case No. _____

8-19-77658-LAS

U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
Chapter 7
RECEIVED - CENTRAL SLIP

DEC 11 2019 PM03:29

CHANGE OF DEBTOR(S) ADDRESS

Sir / Madam:

Please amend the Court's records to reflect my change of address as follows:

DEBTOR'S NAME: _____

Senny I Alvarez

JOINT DEBTOR'S NAME: _____

OLD ADDRESS: _____

869 Broadway
Brentwood, NY 11717

NEW ADDRESS: _____

185 Gibsa Ave -
Brentwood, NY 11717

EMAIL ADDRESS: _____

Senny Alvarez@gmail.com

PHONE NUMBER: _____

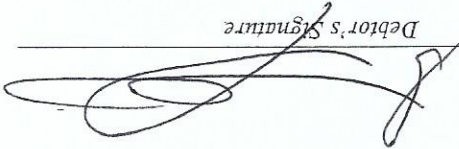
431-488-3435

DO THE DEBTOR(S) HAVE A DEBN ACCOUNT? YES _____ NO ☒

Dated: _____

12/11/2019

Debtor's Signature



Joint Debtor's Signature

NOTE: This does NOT reflect a change in caption. Any change to the caption must be done by Order and Application to the Court.

follows:

AND ANY OTHER PARTIES OF INTEREST.

BEFORE THE HONORABLE: LOUIS A. SCARCELLA, UNITED STATES
BANKRUPTCY JUDGE, OPPOSING PARTIES, THEIR ATTORNEYS,

Movants/Appellants.

SENENY ISABEL NUNEZ, et al.

In re:

8-LAS

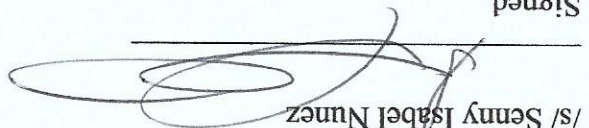
Broadway, in Brentwood, NY 11717-7526.

2.) On or about 12/03/2019 Appellant served the Creditors as ordered by the Court and they did not appear at the oral hearing celebrated on 12/05/2019.

3.) Appellant now files this Notice and Motion for Reconsideration and Appeal based on a violation of the Due Process rights of the Appellants guaranteed in the 5th and 14th Amendments of the Constitution of the United States.

We declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct.

Date: December 9th, 2019

/s/ Senny Isabel Nunez

Signed

12/11/2019.

Please forward any mail to the
185 Gibson Ave following Address.
Brentwood, NY 11717.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re: Case No. 8-19-77658-LAS

SENNY ISABEL NUNEZ, et al,

Movants/Appellants.

) NOTICE AND MOTION TO FILE AN
) APPEAL OF AGAINST THE ORDER
) DATED DECEMBER 5, 2019
) HEARING DATE: 12/05/2019 10:00 AM
)
) ADDRESS : COURTROOM 970, UNITED
) STATES BANKRUPTCY COURT,
) ALFONSE M. D'AMATO FEDERAL
) COURTHOUSE, 290 FEDERAL PLAZA,
) CENTRAL ISLIP, NEW YORK, 11722.

BEFORE THE HONORABLE: LOUIS A. SCARCELLA, UNITED STATES
BANKRUPTCY JUDGE, OPPOSING PARTIES, THEIR ATTORNEYS,
AND ANY OTHER PARTIES OF INTEREST.

Now come Movants and Appellants, SENNY ISABEL NUNEZ, the Father of her minor
Children, Mr. Jose Ferreira Cruz, in representation of the Children and Family, and declare
as follows:

1.) That on or about December 9th, 2019 Appellants received a copy of the order denying
the motion to stay the present bankruptcy filed on 11/08/2019 to save Appellants' home at : 869
Broadway, in Brentwood, NY 11717-7526 from an unlawful foreclosure.

2.) On or about 12/03/2019 Appellant served the Creditors as ordered by the Court
But they did not appear at the oral hearing celebrated on 12/05/2019.

3.) On or about 12/09/2019 Appellant filed a Notice and Motion for Reconsideration
and Appeal based on a violation of the Due Process rights of the Appellants, guaranteed in
the 5th and 14th Amendments of the Constitution of the United States.

4.) On or about 12/11/2019 Appellants filed a timely appeal before this Bankruptcy
Court, which has denied Appellants' case filing, even though the alleged Creditors did not
attend the oral hearing celebrated on 12/05/2019 and which were properly and duly served.

5.) As a result, Appellants were not able to question the alleged Creditors nor examine
the evidence of alleged debt, and as a result Appellant's Constitutional rights to due process
were violated.

6.) On or about November 11, 2019 Appellants filed a Motion for Reconsideration and
plan to file an Appeal per FRCP 60(b) against the Creditors and move the Court for an Ordered
to be issued pursuant to FRCP 59(e) due to lack of standing of the alleged Creditors and the
misrepresentation of the facts of this case.

7.) Appellants confirm that they have requested the Honorable Court to reconsider its
decision in the light of an unlawful foreclosure and eviction and have filed a motion for
reconsideration to that effect.

8.) Appellants also plan to file an adversary proceeding and a request for a trial by jury
pursuant to FRCP 38, based on this violation of their constitutional rights to due process, and

NOTICE AND MOTION FOR RECONSIDERATION AND APPEAL

and which will be described in further detail in the forthcoming Creditor Meeting.
 9.) According to Appellants if a motion for reconsideration is filed it "is treated as a motion to alter or amend judgment under FRCP 59(e)." Am. Ironworks & Erectors, Inc. N. Am. Constr. Corp., 248 F.3d 892, 898-99 (9th Cir. 2001) (citing United States v. Nutricology, Inc., 982 F.2d 394, 397 (9th Cir. 1992)); see also In re Walker, 332 B.R. 820, 826 (Bankr. D. Nev. 2005).

10.) A motion for reconsideration may also be construed as a motion for relief from a judgment under FRBP 9024, if the time for filing an appeal has expired. United States v.

Nutricology, Inc., 982 F.2d 394, 397 (9th Cir. 1992). FRBP 9024, which governs relief from a judgment or order, provides that a motion for relief from an order is governed by FRCP 60. FRCP 60(b) "provides for reconsideration only upon a showing of (1) mistake, surprise, or excusable neglect; (2) newly discovered evidence, that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) **fraud**; (4) a void judgment; (5) a satisfied or discharged judgment; or (6) 'extraordinary circumstances' which would justify relief." Fuller v. M.G. Jewelry, 950 F.2d 1437, 1441 (9th Cir.1991).

WHEREFORE, the Appellants request an order directing the Creditors to produce all books and records. Based upon the foregoing, and as will be discussed in further detail in the upcoming Creditor Meeting, this request for an order to continue the upcoming Creditor Meeting, and to produce all books and records for that meeting, should be granted.

We declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct.

Date: December 11th, 2019

/s/ Sanny Isabel Nunez (obo Appellants)
Signed
12/11/2019

NOTICE AND MOTION FOR RECONSIDERATION AND APPEAL